

in diabetes. The article, when used alone or in combination with *Hepavita tablets*, would not be adequate and effective for such purposes.

**DISPOSITION:** June 23, 1954. The corporation having entered a plea of guilty and the individual having entered a plea of nolo contendere, the court suspended the imposition of sentence against the corporation, fined the individual \$500, and sentenced him to 8 months in jail. The court also suspended the jail sentence against the individual and placed him on probation for 2 years.

**4437. Misbranding of Duodex capsules. U. S. v. 348 Bottles, etc. (F. D. C. No. 36535. Sample Nos. 44196-L to 44198-L, incl., 44690-L.)**

**LIBEL FILED:** April 29, 1954. District of Massachusetts.

**ALLEGED SHIPMENT:** On an unknown date, by Harris Laboratories, Inc., from Glen Cove, Long Island, N. Y.

**PRODUCT:** 348 100-capsule bottles and 1,348 50-capsule bottles of *Duodex capsules* at Boston, Mass.

**LABEL, IN PART:** (Bottle) "Duodex \* \* \* Each capsule contains approximately 0.3 grams of desiccated and partially defatted duodenal substance processed to retain the ingredients believed to relieve ulcer pains and symptoms of ulcerative colitis."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the label of the article and in a circular designated "Duodex The New Effective Treatment For Peptic And Duodenal Ulcer Sufferers," enclosed with the article, were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for ulcers, ulcer pains, healing the ulcer crater and restoring a normal intestinal lining, rebuilding the normal mucosal lining and smoothing over the raw eroded ulcer surface, repairing the ulcerated area, ulcerative colitis, indigestion, and gastritis. The article was not an adequate and effective treatment for such conditions and purposes.

**DISPOSITION:** July 20, 1954. Default decree of condemnation and destruction.

**4438. Misbranding of Pyl-tone pile ointment. U. S. v. 2,000 Tubes, etc. (F. D. C. No. 36453. Sample No. 86111-L.)**

**LIBEL FILED:** March 26, 1954, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about March 13, 1952, from Bristol, Tenn.

**PRODUCT:** 2,000 unlabeled tubes of *Pyl-tone pile ointment* at Amarillo, Tex., in the possession of the Mergh Laboratories, together with a number of loose tube labels reading, in part, "Pyl-tone Pile Ointment" and a number of leaflets designated "The New Scientific Remedy for Piles Pyl-tone Ointment."

**RESULTS OF INVESTIGATION:** The unlabeled tubes of the product were packaged in labeled cartons when shipped from Bristol, Tenn. The above-mentioned loose labels and leaflets were printed for the Mergh Laboratories; and upon receipt of an order for the ointment, the Mergh Laboratories would apply 1 of the loose labels to a tube of ointment and enclose a copy of the above-mentioned leaflet.

**LABEL, IN PART:** (Carton) "Manufactured For: The Mergh Laboratories Amarillo, Texas Product Specification: S. F. #15,589 One Dozen - One Oz. Tubes (Unlabeled) Pyl-Tone Ointment Active Ingredients: Cedar Leaf Oil, Pokeroot, Bismuth Subgallate, Balsam Peru in a Castor Oil and White